

**UNITED STATES OF AMERICA
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

NO. CR 05-30023-MAP

v.

WALTER T. MAY

Defendant.

Mitchell H. Nelson (P22825)
IMHOFF & ASSOCIATES, PC
398 Kent Way
White Lake, MI 48383
(248) 461-6777

**DEFENDANT'S FURTHER MOTION IN LIMINE REGARDING E-MAIL AND
CHAT TRANSCRIPT EVIDENCE**

Now Comes, the Defendant, Walter May, by and through his attorney, Mitchell H. Nelson of IMHOFF & ASSOCIATES, PC, and respectfully moves this Honorable Court to review in advance of their admission all purported e-mails or other electronic communications which the Government may seek to introduce at trial and determine which if any such items meet the admissibility requirements of the Federal Rules of Evidence and states as follows:

1. That during the course of discovery the Assistant United States Attorney released transcripts e-mails dated May 31, 2002 through April 8, 2004, all of which begin with a notation of "X-Apparently-To: shane86lk..."
2. That both judicial economy and the need to prevent possible prejudice to the Defendant would require that these evidentiary matters be heard outside of the presence of jurors and a pretrial evidentiary determination would allow this trial to proceed in an orderly and efficient manner to the jury.
3. That said pretrial evidentiary determination be limited to the issues of authentication, hearsay exception, Best Evidence, Doctrine of Completeness, unfair prejudice, and text corruption as discussed in Defendants previous motion dated March 27, 2007.
4. That Defendant maintains that the corruption of these transcripts is apparent in the lack of contextually responsive replies shown in the e-mails dated June 9, 2002 @8:03 pm, June 16, 2002@5:18pm, July 11, 2002@ 1:41pm, and September 16, 2002@ 9:01pm.
5. The Defendant further maintains that the duplicate messages from the police undercover agent, Shane in the e-mails dated June 17, 2002, and June 18, 2002; June 21, 2002 and July 11, 2003; July 21, 2002 @10:37 pm, July 21, 2002@ 10:38, and July 21, 2002 @10:34pm; August 20, 2002 and September 29, 2002, further indicates the

corruption of these e-mails and their admissibility must be examined deliberately before the jury trial commences on June 25, 2007.

WHEREFORE, the Defendant respectfully moves this Honorable Court to exclude all purported e-mails, Internet evidence, or other electronic communications that the Government may seek to introduce at trial which do not meet the admissibility requirements of the Federal Rules of Evidence at an Evidentiary Hearing to be held on June 12, 2007

Dated: May 24, 2007

IMHOFF & ASSOCIATES, PC.

/s/ Mitchell H. Nelson

Mitchell H. Nelson
IMHOFF & ASSOCIATES, PC
398 Kent Way
White Lake, MI 48383
(248) 461-6777
Attorney for Defendant

Certificate of Service

I hereby certify that on this 24th day of May 2007 a true and correct copy of the foregoing Motion was sent through ECF to the below listed individual.

/s/ Mitchell H. Nelson
Mitchell H. Nelson

Todd E. Newhouse
Assistant United States Attorney